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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 BRUCE DANIEL MULLIGAN,)

10 Plaintiff,)

11 v.)

12 DR. DAVID KENNEY, *et al.*,)

13 Defendants.)
14

CASE NO. C09-842RSL-MAT

ORDER DENYING PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTIVE RELIEF

15 The Court, having reviewed plaintiff's amended civil rights complaint,
16 plaintiff's motion for preliminary injunctive relief, the Report and Recommendation of Judge
17 Mary Alice Theiler, United States Magistrate Judge, plaintiff's objections, and the remaining
18 record, does hereby find and ORDER:

- 19 (1) The Court adopts the Report and Recommendation. In Winter v. Natural Res.
20 Def. Council, __ U.S. __, 129 S. Ct. 365, 375-76 (2008), the Supreme Court
21 made clear that a preliminary injunction may not be entered based only on the
22 "possibility" of irreparable harm: plaintiff must demonstrate that irreparable
23 injury is likely in the absence of an injunction. Although Judge Theiler cited to
24 Ninth Circuit authority that utilized the "possibility of irreparable injury"


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1 standard, that standard did not affect her preliminary injunction analysis.

2 (2) Plaintiff's motion for preliminary injunctive relief (Dkt. # 20) is DENIED.

3 (3) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
4 defendants, and to the Honorable Mary Alice Theiler.

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6 Dated this 7th day of January, 2010.

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8 Robert S. Lasnik
9 United States District Judge
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